UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/526
8 November 1993
ENGLISH
ORIGINAL: ENGLISH/SPANISH

Forty-eighth session
Agenda item 114 (c)

# HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

## Situation of human rights in the Islamic Republic of Iran

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Professor Reynaldo Galindo Pohl (El Salvador), Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with paragraph 13 of Commission on Human Rights resolution 1993/62 of 10 March 1993 and Economic and Social Council decision 1993/273.

ANNEX

Interim report on the situation of human rights in the Islamic Republic of Iran, prepared by the Special Representative of the Commission on Human Rights in accordance with Commission resolution 1993/62 and Economic and Social Council decision 1993/273

CONTENTS


| | | Paragraphs | Page |
|---|---|---|---|
| I. | INTRODUCTION | 1 - 3 | 4 |
| II. | COMMUNICATIONS BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE | 4 - 7 | 4 |
| III. | INFORMATION RECEIVED BY THE SPECIAL REPRESENTATIVE | 8 - 77 | 5 |
| | A. Right to life | 9 - 25 | 6 |
| | B. Enforced or involuntary disappearances | 26 - 27 | 9 |
| | C. Right to freedom from torture or cruel, inhuman or degrading treatment or punishment | 28 - 29 | 9 |
| | D. Administration of justice | 30 - 48 | 10 |
| | E. Freedom of expression, opinion and the situation of the press | 49 | 13 |
| | F. Freedom of religion and the situation of the Baha'i community | 50 - 58 | 14 |
| | G. The situation of women | 59 - 66 | 16 |
| | H. The situation of children | 67 - 68 | 17 |
| | I. Right to work | 69 - 70 | 17 |
| | J. Right of everyone to own property | 71 - 72 | 18 |
| | K. The events of 25 May 1993 | 73 - 74 | 18 |
| | L. The situation of the Kurdish and Naraoui people | 75 - 77 | 18 |
| IV. | CONSIDERATIONS | 78 - 123 | 19 |
| | A. Fulfilment of the renewed mandate | 78 - 79 | 19 |
| | B. The universality of human rights | 80 - 90 | 20 |

CONTENTS (continued)


| | | Paragraphs | Page |
|---|---|---|---|
| C. | Information on a possible consensus resolution ... | 91 | 22 |
| D. | Restriction of information concerning executions and the right to life ..... | 92 - 97 | 23 |
| E. | Assassinations and attempts on the lives of Iranians living abroad ..... | 98 - 104 | 24 |
| F. | Torture and other cruel, inhuman or degrading treatment or punishment ..... | 105 - 106 | 26 |
| G. | Administration of justice ..... | 107 - 109 | 26 |
| H. | Arrests and prison situation ..... | 110 - 111 | 27 |
| I. | Freedom of opinion, expression and the situation of the press ..... | 112 - 117 | 28 |
| J. | The situation of the Baha'is ..... | 118 - 120 | 29 |
| K. | The situation of women ..... | 121 - 123 | 29 |
| V. | GENERAL OBSERVATIONS ..... | 124 - 130 | 30 |

## I. INTRODUCTION

1. At its forty-ninth session, the Commission on Human Rights decided, by its resolution 1993/62 of 10 March 1993, to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year and requested the Special Representative to submit an interim report to the General Assembly at its forty-eighth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, and to report to the Commission at its fiftieth session. In its decision 1993/273, the Economic and Social Council endorsed that resolution.

2. In compliance with paragraph 13 of Commission on Human Rights resolution 1993/62 and Economic and Social Council decision 1993/273, the Special Representative submits herewith his interim report on the situation of human rights in the Islamic Republic of Iran. It refers to the situation of human rights in the Islamic Republic of Iran during the months that have elapsed in 1993, although it must obviously be read in the light of the reports submitted by the Special Representative since 1986.

3. As in previous years, the interim report concentrates on written communications with government officials and on allegations of human rights violations from non-governmental organizations and individuals. Owing to the short interval between the two reports, the interim report has been planned and written as the first part of the final report and the two documents should accordingly be regarded as one.

## II. COMMUNICATIONS BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE

4. The Special Representative met with Ambassador Sirous Nasseri on 20 January and 2 September 1993, Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva. He also had the opportunity to meet with the Permanent Representative and other representatives of the Government of the Islamic Republic of Iran during his visit to Vienna to attend the World Conference on Human Rights, held from 14 to 25 June 1993. At those meetings and in letters dated 23 March, 28 April and 31 August 1993, the Special Representative reiterated his firm opinion that a fourth visit to the Islamic Republic of Iran would be very useful since it would permit him to obtain direct and first-hand information on the current human rights situation in the country, and would go far towards demonstrating the willingness of the Government of the Islamic Republic of Iran to cooperate in enabling the Special Representative to discharge his mandate. The Special Representative initially suggested the months of July and August 1993 as the period during which he could make his fourth trip to the country. Subsequently, by letter dated 31 August 1993, he suggested that the trip be made during the second half of October 1993.

5. On 16 July 1993, the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

"... I have recently been informed that graves of Iranian Baha'is in the Baha'i cemetery of Tehran are currently being destroyed by order of the authorities. While the confiscation of Baha'i cemeteries has been reported in the past, this is the first time that I receive reports according to which bodies have been exhumed from a Baha'i cemetery. According to the information I received, the Tehran Baha'i cemetery contains thousands of graves and a section of the cemetery is now being excavated by bulldozers in order to prepare for the construction of a building. The remains of human bodies are reportedly being loaded into trucks and removed to a destination unknown to the relatives.

"I would appreciate it if you could inquire with the competent authorities about this situation and let me know all relevant details through the Centre for Human Rights. If it is considered necessary to continue with these public works, may I appeal to your Government to bear in mind the religious and emotional implications and to contact the relatives of the deceased as to the procedures to be followed and the whereabouts of the remains that might already have been transferred to other places."

6. On 28 July 1993, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted the reply of his Government to the letter from the Special Representative dated 16 July 1993. The letter reads as follows:

"... The Tehran municipality, in implementing various new construction projects undertaken in the framework of Five-Year Development Plan and in conformity with the law relating to cemeteries, has embarked upon modification of some terrain in the western part of the city. This project has removed only 20 centimetres of the soil of the Baha'i cemetery covering those graves whose period of 30 years has already elapsed. New graves have not been touched. The municipality projects are not limited to this case and in some parts of the city cover the old Muslim cemeteries as well."

7. On 20 September 1993, the Special Representative, following past practice, transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva a memorandum containing the allegations of human rights violations he had received since the last renewal of his mandate as Special Representative of the Commission on Human Rights. The Special Representative also requested information from the Government regarding the situation of 93 prisoners.

## III. INFORMATION RECEIVED BY THE SPECIAL REPRESENTATIVE

8. The following paragraphs contain a summary of some of the allegations of human rights violations received by the Special Representative and communicated to the Government of the Islamic Republic of Iran in a memorandum dated 20 September 1993. The memorandum cannot be reproduced in its entirety owing to the limit imposed on the number of pages for reports submitted to the General Assembly.

## A. Right to life

9. Although the Iranian press has apparently ceased to publish all the cases of executions, grave concern was expressed about the continuing use of the death penalty. Sentences of death can be imposed for premeditated murder, homicide, armed robbery, drug trafficking, armed rebellion, complicity in murder, kidnapping, rape and other crimes.

10. The Head of the Judiciary, Ayatollah Mohammad Yazdi, stated on 12 February 1993 that "those executed in Iran were either drug-traffickers sentenced to death according to the ruling of the Expediency Council, or were cases falling within divine jurisdiction and no authorities have the right to reverse such rulings". He added that "in its campaign against narcotics, the Islamic Republic of Iran is actually doing the world a favour" and that it would never allow itself "to be contaminated by narcotics because of protests lodged by certain circles".

11. It has been reported that Mr. Mohsen Mohammadi Sabet was executed in Rasht prison. The actual date of the execution is not known. He was reportedly arrested in September or October 1992 at his home in Rasht, apparently for political reasons, and had been held in solitary confinement in Rasht prison since that date.

12. It was reported that an alleged supporter of the Kurdistan Democratic Party of Iran, Mr. Hussein Mouloudi, was executed in public in Orumiyeh in October 1992. No information was available about his trial. Mr. Mouloudi had reportedly been imprisoned for two years in different prisons.

13. On 20 April 1993, four persons were hanged in Sirjan, after being found guilty of perturbing public order and destroying public security. Their names were given as Dianat Aghabeighi, Majide Khadjuni, Ali Aghabeighi and Mohammad Eftekhari.

14. In May 1993, a woman named Zohré Eghbali, governess and mother of two children, aged five and two years, was hanged in Isfahan, after being found guilty of adultery. The newspaper Ressalat reported on 11 August 1993 that a man was executed in the courtyard of Mashhad Penal Court No. 1 on charges of adultery. Another man was executed at the same time and place on charges of murdering his wife.

15. It was reported that Mr. Ahmad Ghofrani was sentenced to death on 13 January 1993 because of his alleged political opposition to the Government. He was arrested in Mashhad in December 1992. No information about his trial, the charges on which he was convicted or his place of detention was available to the Special Representative. In March 1993, Mr. Salim Saberniah and Mr. Seyed Mustafa Ghaderi were sentenced to death by the Islamic Revolutionary Court of Tabriz for illegally leaving the country and belonging to the Kurdish section of the Communist Party of Iran, Komala. The verdicts issued have been approved by the Supreme Court.

16. It was reported that Mr. Feizollah Mekhoubad, aged 77, resident in Tehran, was sentenced to death in early May 1993 by an Islamic revolutionary court of Tehran. He was reportedly active in relief and charitable work for needy people

and did not engage in any political activities. In May 1992, he was accused of having links with zionism and having the intention of departing for Israel. It was alleged that during his trial he was not granted the possibility of exercising his rights to defence and appeal.

17. According to the newspaper Salam of 31 March 1993, Hojjatolislam Mahmoudi, in a Friday sermon in the city of Varamin, south of Tehran, noted the negative impact of the public executions carried out in Rah Ahan Square in Varamin and the misgivings they bred in the minds of the public. Hamzeh Karami, Governor of the city, and a group of teachers also criticized such methods of punishment.

18. It was reported that in September 1992 the Minister of Intelligence of Iran, Hojjatolislam Ali Fallahian, spoke on television of the Government's success in striking at opponents outside the country:

> "We have been able to deal blows to many of the mini-groups outside the country ... As you know, one of the active mini-groups is the Kurdistan Democratic Party ... We were able to deal vital blows to their cadres last year."

19. It has been reported that several government opponents were either killed or injured outside Iran in circumstances suggesting that people acting on behalf of Iranian officials may have been responsible.

20. It was reported that in October 1992 the German authorities arrested an Iranian national and four Lebanese in connection with the killings of four Iranians, leading members of the Kurdistan Democratic Party of Iran - Qassemlou Faction - who were shot dead in a restaurant in Berlin in September 1992 while they were participating in a meeting held by the Socialist International. Those killed were the Secretary-General of the Party, Mr. Sadegh Sharafkandi, the representative of the party in Europe, Mr. Fattah Abdoli, the representative in Germany, Mr. Homayoun Ardalan, and the interpreter, Mr. Nouri Dehkordi.

21. The assassination in Turkey was reported of Mr. Ali Akbar Ghorbani, also known as Mr. Mansour Amini, a member of the People's Mojahedin Organization of Iran. He was abducted close to his home in Istanbul on 4 June 1992. According to reports, bombs were placed in vehicles belonging to the People's Mojahedin Organization around the same time. Mr. Ghorbani was tortured and hanged 10 days after his abduction. His body was discovered severely mutilated in a shallow grave in Cinarcik, 28 miles south-east of Istanbul. His finger nails had been pulled out, his genitals cut and a rope, tied around his neck, used to kill him. According to a dispatch from Reuters of 4 February 1993, the Minister of the Interior of Turkey, Mr. Ismet Sezgin, stated in Istanbul that police had arrested 19 members of the previously unknown Islamic Action group. They were charged with killing Mr. Ghorbani and two Turkish pro-secular writers. Mr. Sezgin said that the Islamic Action group had been trained in Iran, in a military camp located between Tehran and Qom, and that three of its leaders were believed to have taken refuge there. He said that it was clear that those who had committed the murders had connections with Iran.

22. The assassination in Karachi, on 6 June 1993 of Mr. Mohammad Hassan Arbab, alias Mohammad Khan Baluch, by four armed men was also reported. He was a member of the National Council of Resistance of Iran. During the attack, a

bystander was also killed and a child was seriously injured. The political assassination of Mr. Mohammad Hossein Naghdi, representative of the National Council of Resistance of Iran, on 16 March 1993 in Rome, allegedly by agents of the Iranian regime, was also reported. Mr. Naghdi had reportedly received recent threats and was assigned home and office protection three years ago after the murder of Mr. Kazem Rajavi. According to The Independent of 19 March 1993, the Minister of the Interior of Italy, Mr. Nicola Mancino, said on state radio that the killing was "part of an extremely dangerous strategy aimed at subverting Europe and the West. Naghdi's murder must be seen in a very worrying global context where the terrorist threat is more insidious than ever in various continents and especially in Europe". Mr. Naghdi, a former chargé d'affaires of the Islamic Republic of Iran in Rome, had been the National Council of Resistance of Iran representative there after his defection.

23. According to The New York Times of 22 June 1993, the Minister of the Interior of the Islamic Republic of Iran, Mr. Abdollah Nouri, referring to such opposition leaders as Mr. Naghdi, asked:

> "How many terrorist activities and explosions inside Iran have these people confessed to? Are these types of people terrorists or not? And if someone takes action against such terrorists, does that mean they are terrorists?"

24. With regard to the assassination of Mr. Kazem Rajavi at Coppet, Switzerland, on 24 April 1990, it was reported that on the basis of the preliminary investigation carried out by the Investigating Magistrate of the Canton of Vaud, 13 persons were implicated as having been involved in the assassination. The Government of Switzerland is asking the French authorities to extradite two Iranians arrested in November 1992 in Paris. They are suspected of having participated in the preparation or the execution of the assassination. It was also reported that Judge Roland Chatelain had transmitted rogatory letters via Bern to the Iranian authorities, but that no answer had been received.

25. Concern was expressed about the continuing endorsement by the Government of the Islamic Republic of Iran of threats to the life of the British novelist Salman Rushdie. On 14 February 1993, the Leader of the Islamic Republic of Iran, Ayatollah Seyed Ali Khamenei, reiterated that the decree against Rushdie was inalterable and that:

> "The verdict must undoubtedly be carried out and will be carried out ... Therefore, it is incumbent upon every Muslim who has access to this mercenary author to drive this harmful being out of the way of Muslims and punish him ... Solving the Rushdie issue is possible only through the handing over of this apostate and infidel to Muslims."

He suggested that, as a logical solution, the British Government should hand over the apostate Rushdie to Muslims to be punished. The President of the Republic, Hojjatolislam Ali Akbar Hashemi Rafsanjani, stated that the decree issued by Imam Khomeini was the expert view of a high-ranking scholar on Islamic jurisprudence and such a decree could not be revoked. On 22 February 1993, Majles Speaker, Ali Akbar Nateq-Nouri, said:

"Believers in other religions, especially Christians, should coordinate with Muslims to remove this undesirable element, although Muslims know better how to punish him."

On 19 February 1993, a member of the Council of Guardians, Ayatollah Mohammad Emami Kashani, called for implementation of the late Imam Khomeini's edict against Salman Rushdie:

"In accordance with divine justice, the apostate writer has to be executed ... Plots against Muslims and acts against the sanctity of Islam cannot be rightly called freedom or liberty ... All schools of Islamic jurisprudence rule death for an apostate born of Muslim parents."

## B. Enforced or involuntary disappearances

26. It was reported that the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights had transmitted to the Government of the Islamic Republic of Iran a total of 500 cases of missing persons. So far only one case has been clarified by information received from non-governmental sources.

27. It was reported that Mr. Abbas Gholizadeh, a member of the opposition group Derafsh-e Kaviani, the Flag of Freedom Organization of Iran, was abducted near his home in Istanbul in December 1992. No news of him is available. It has been reported that Mr. Shahriar Farsi, a geologist born on 20 March 1965 in Tehran, son of Mr. Hayat Gholi and Mrs. Sammaie, married with one child, disappeared on 11 November 1992 while he was working with a civil electric company. His fate remains unknown. No investigation appeared to have been carried out in spite of numerous inquiries by his relatives.

## C. Right to freedom from torture or cruel, inhuman or degrading treatment or punishment

28. Torture of prisoners was reported to remain common throughout the country, in spite of the prohibition contained in article 38 of the Constitution of the Islamic Republic of Iran. According to former prisoners, the most frequently used methods were beatings with cables and rifle butts on the back and the soles of the feet, suspension for long periods in contorted positions and burning with cigarettes.

29. The specific cases of cruel, inhuman or degrading punishment mentioned below were reported to the Special Representative. On 15 December 1992, an Islamic revolutionary court sentenced an Afghan accused of multiple thefts to have his fingers cut off. The sentence was carried out in a public square using an electric saw. In February 1993, Mr. Mohamedi Khalede, aged 20, was condemned to the amputation of his right hand on charges of stealing in Sanandaj.

D. Administration of justice

30. Concern was expressed at the lack of transparency and predictability in the application of Iranian law. On 26 June 1992, the Head of the Judiciary, Ayatollah Mohammad Yazdi, stated during his Friday prayer sermon at Tehran University that the laws that were the criteria for action were taken from different Islamic treatises (Resaleh) and the Tahrir-Ol-Vassileh, work of legal exegesis by the Leader of the Nation, Imam Khomeini. It was said that those treatises might be mutually antagonistic, leaving uncertainty about what could be considered to be applicable legislation in the Islamic Republic of Iran.

31. It was further said that fatawa or religious opinions issued by qualified mojtahedin had played a major role in court decisions, and that that in itself had undermined the principle of equality before the law and contributed to the issuing of confusing and often inconsistent judgements by Iranian courts. The institution of the fatawa was said to militate against the principle of equitable application of the law in all cases. It was said that there were many examples where the court's verdict or judgement had been based on the opinion of a mojtahed rather than on codified legislation. In cases involving loosely defined capital offences, people have reportedly been deprived of their lives, based on an individual personal interpretation. It was also said that even in civil matters, fatawa had played a major role in court decisions and that there were numerous instances of property being seized on the basis of fatawa.

32. It was said that the multiplicity of interpretations of the law and its application, the wide disparity in sentences handed down by the courts for the same offence and the inconsistencies and unresolved tensions in the Iranian legal system undermined the rule of law. Under article 167 of the Constitution, judgements are to be delivered, in the absence of a codified law, on the basis of authoritative Islamic sources and authentic fatawa.

33. With regard to the judiciary, it was alleged that, on 16 October 1986, the Majles approved a law that permitted the Supreme Judicial Council to employ judges with little formal education and minimal experience. According to the law, published in the Official Gazette No. 12160 of 8.9.1365 (November A.D. 1986):

> "The Supreme Judicial Council is authorized to appoint persons who have been working in Revolutionary Prosecutors' Offices in judicial positions for more than three years as judges of the Prosecution Offices and Courts, without regard to the Legal Bill on the Qualification of Judges, provided that they possess at least the High School Diploma or are approved by the Supreme Judicial Council, and provided that the candidates of either category are able to pass an examination on the Civil Procedure Code and the Islamic Penal Code."

It was alleged that, over time, the requirements for experience had become less stringent, leading to an even less qualified and ultimately a less independent judicial body.

34. It was also reported that the safeguards available to judges accused of disciplinary offences had been substantially diminished. Judges could now be accused of offences not defined in law, such as failing to abide by "Islamic

considerations" or "the interests of the society". Lack of any safeguard against arbitrary removal of judges and dismissal without any judicial inquiry has severely undermined the independence of the Iranian judiciary. It was said that the rights of judges subject to disciplinary proceedings to a fair hearing and to an independent review of the decision of the disciplinary authority were not respected.

35. On 12 February 1993, Ayatollah Mohammad Yazdi, the Head of the Judiciary, stated that in accordance with Islamic penal law the punishments for certain offences had been laid out by canons, which in legal terminology are called hudud, and punishments for other offences (ta'zirat) were left to the discretion of the religious judges. In the legal system of Islam, the laws and canons were religion. The legal system of non-Muslim countries was based on the experience of mere human beings, but the foundation for all Islamic law was divine revelation.

36. It was reported that, during the months that have elapsed of 1993, no defendants in political trials before Islamic revolutionary courts were known to have received legal assistance, in spite of the new legislation introduced in October 1991 to permit defendants the right to appoint a defence lawyer. It was further reported that no provision appeared to have been made to allow those previously tried without the benefit of legal counsel to seek fair retrial.

37. It has been reported that there is currently no definition of political offences and no law has been passed to implement or explain article 168 of the Constitution. In political cases, trials are almost always held in secret, often lasting only a few minutes, and the detainee has no access to legal counsel at any stage and is denied the right to appeal both against the conviction and the sentence. If a death sentence is passed, execution may be carried out within days of conviction. It was also said that despite repeated official claims that problems with the Islamic revolutionary courts were being rectified, there was no indication of any improvements in practice. It was reported that under article 130 of the Code of Penal Procedure, the accused could not communicate with his/her family or friends if contacts with other persons could lead to destruction of evidence or collusion with witnesses.

38. It was further alleged that the right to be presumed innocent, guaranteed in article 14.2 of the International Covenant on Civil and Political Rights and in the Constitution of the Islamic Republic of Iran, is clearly lacking in a system in which guilt or innocence is not based on clearly codified laws, but on the interpretation of numerous texts and the imprecise quantification of religious or societal interests.

39. Concern has been expressed to the Special Representative about the practice of videotaped confession, which may have been extracted under pressure as a result of torture or ill-treatment. It was said that such videotaped confessions undermined the possibility of the defendants' receiving a fair trial. Some political prisoners have been released only after agreeing to give videotaped interviews, sometimes lasting several hours, in which they confess at length to their alleged wrongdoings, denounce their political organization and pledge support for the Islamic Republic of Iran. Such interviews may then be shown on television. It was reported that Abdollah Bagheri's videotaped confessions were broadcast on television in Iran at the beginning of 1993.

Mr. Bagheri, a former member of the Kurdish opposition group, Komala, was arrested at the beginning of November 1992 outside Mariwan, close to the border with Iraq. It is not known whether he has yet been charged and there is no information regarding the date or place of his trial. It was pointed out that Mr. Bagheri's videotaped confession might seriously undermine the possibility of his receiving a fair trial. The videotaped confession of another member of Komala, Mr. Towfiq Aliasi, was reported to have been broadcast on local television in Sanandaj in August 1992, some days before his execution.

40. Mr. Ali Mozaffarian's videotaped confession, which may have been obtained as a result of physical or psychological pressure, was broadcast on television in Shiraz and in the streets of Kazerun and Lar. He was a well-known surgeon and one of the leaders of the Sunni Muslim community in Fars province in southern Iran and was convicted of spying for foreign countries, adultery and sodomy. Mr. Mozaffarian was arrested in his office in late 1991, a day after he and other Sunni leaders had attended a meeting in Shiraz in the house of the Friday prayer cleric, Ayatollah Haeri, to discuss deteriorating Sunni-Shiah relations in Fars. Reportedly, his arrest was in connection with his refusal to take part in a prayer for unity and his outspoken opposition to the Government. He was tried and executed in Shiraz, following riots in that city in August 1992. It was reported that his trial was unfair, although no information about the proceedings was available to the Special Representative.

41. According to the newspaper Salam of 19 August 1993, Mr. Jalaledin Farsi, a writer who shot to death Mr. Mohammad Reza Khani, was only sentenced to pay the blood money by Branch 145 of the First Penal Court of Tehran. He was released on bail immediately after his arrest.

42. It was reported that detentions and arrests were made by the State Security Police; the Police Force; the Gendarmerie; the Islamic Revolutionary Guards Corps (Pasdaran); the Revolutionary Committees; the Basijis, irregular paramilitary forces of volunteers who seek to uphold revolutionary ideals; the Islamic Societies; the Political-Ideological Bureau of the Armed Forces; and numerous patrols, such as the patrol to remove street vendors and that to combat improper veiling. It was reported that tens of thousands of Basijis had been ordered to prowl about every factory, office and school to ensure that everyone adhered to the Islamic code. The Basij organization was originally created during the Iran-Iraq war to provide volunteers for the front. After the summer 1992 riots Basij units were revived, rearmed and sent out into the streets to help enforce Islamic law. The Basijis are reportedly under the control of local mosques. It was further said that the Basijis set up checkpoints around the cities and stopped cars to sniff their occupant's breath for alcohol and check for women wearing make-up or travelling with a man not their close relative or husband. It was reported that the Law of Judicial Support for the Basijis, published in the Official Gazette No. 13946 of 8.10.1371 (December A.D. 1992), provided no redress against arbitrary detention by the Basijis.

43. It was alleged that the lack of an independent bar association had an adverse effect on the administration of justice and a debilitating effect on the potential of lawyers to address deficiencies in their own profession. It was reported that the Iranian Bar Association did not currently enjoy the right to elect its Board independently. It has been alleged that the harassment of lawyers who have tried to carry out their duties on behalf of their clients

indicates a tendency on the part of the authorities to identify lawyers with their clients' causes, in contravention of Principle 18 of the Basic Principles on the Role of Lawyers, adopted in 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

44. With regard to Iraqi prisoners of war, it was reported that, on the occasion of the fourteenth anniversary of the victory of the Islamic Revolution, the Islamic Republic of Iran had unilaterally released some 1,000 Iraqi prisoners. However, there were said to be thousands of Iraqi prisoners of war still being held in Iranian detention camps.

45. With regard to the condition of Iranian prisoners, on 14 January 1993, the Head of the National Prisons Organization, Mr. Assadollah Lajevardi, stated that the nation's prisons were facing up to two main problems, the shortage of manpower and space to hold prisoners.

46. According to a dispatch from Reuters of 26 August 1993, Mr. Lajevardi stated that the country held an average of 99,900 prisoners in the Iranian year ending on 20 March 1993, more than half of them jailed for drug addiction or dealing. He said that nearly 7,000 were women and about 2,000 were aged under 18. Some 52,000 were jailed on drug-related charges, 9,000 for robbery, 6,000 for financial offences, 5,000 for murder, 4,000 for vice, 2,000 for illegal crossing of borders and 2,000 for battery. He did not specify the offences of the rest, but added that prisoners who could learn to recite parts of the Holy Koran by heart would get home leave.

47. On 23 June 1993, the commander of the law enforcement forces of Tehran, Brigadier-General Abdollah Oqabaei, said that from 16 to 23 June 1993, 802 men and women had been detained for wearing unsuitable dress. He added that inspectors in plain clothes were keeping a watch on the law enforcement personnel assigned to carry out the campaign against social corruption; a law in effect since the early 1980s defined the type of clothes Iranians could wear, as well as the amount of make-up women could wear, based on the religious and social practices of the Muslim majority of the Islamic Republic of Iran.

48. On 13 January 1993, the President of the Republic, Hojjatolislam Ali Akbar Hashemi Rafsanjani, stated at the anti-drug campaign headquarters in Tehran that a plan to dispatch drug traffickers and addicts to Farour Island in the Persian Gulf was positive and desirable. According to Kayhan International of 14 January 1993, the President had approved related funds for the execution of the plan.

### E. Freedom of expression, opinion and the situation of the press

49. The Special Representative received a number of allegations concerning freedom of expression, opinion and the situation of the press which were communicated as an integral part of the memorandum sent on 20 September 1993 to the Government of the Islamic Republic of Iran for its investigation, consideration and comments. Owing to space limitations, these allegations cannot be reproduced in this chapter. However, references to the major allegations and information received will be found in chapter IV, section I.

## F. Freedom of religion and the situation of the Baha'i community

50. It has been reported that Baha'is in the Islamic Republic of Iran have, for 13 years, been systematically persecuted, harassed and discriminated against for their religious beliefs. It was alleged that, since 1979, 201 Baha'is had been killed and 15 others had disappeared and were presumed dead. After a cessation of executions for a period of three and a half years, Mr. Bahman Samandari, a member of the Baha'i community in the Islamic Republic of Iran, was arrested on 17 March 1992 and executed in Evin prison in Tehran on 18 March 1992. The prosecutor in the case claimed that the main charge against him was spying. It was reported that a spokesman for the Tehran Revolutionary Prosecutor's Office admitted that Mr. Samandari had been executed because of his cooperation with foreign intelligence services. No evidence whatsoever has been given to support that charge.

51. It was further reported that Baha'is continue to be arrested and imprisoned solely on the basis of their religious beliefs. Since 15 December 1992, a further five Baha'is have been imprisoned. Their names were given as follows:

Mr. Hushmand Yazdani, arrested in Abidah in December 1992;
Mr. Rafiee Yazdani, arrested in Abidah in December 1992;
Mr. Irfan Ismailpur of Chalus, imprisoned in Bihshahr, date unknown;
Mr. Husayn-Auli Rawshan-Damir, imprisoned on 27 June 1993;
Mr. Daryush Firuzmandi of Karj, imprisoned in Tehran on 8 July 1993.

52. In addition, it was reported that five Baha'is remained imprisoned. Their names were given as follows:

Mr. Bakshu'llah Mithaqi, arrested in Karaj on 17 October 1985;
Mr. Kayvan Khalajabadi, arrested in Gohardasht on 29 April 1989;
Mr. Bihnam Mithaqi, arrested in Gohardasht on 29 April 1989;
Mr. Husayn Ishraqi, arrested in Isfahan on 1 April 1992;
Mr. Nijatu'llah Bihin-Ain, arrested in Isfahan in July 1992.

53. It was reported that, on 1 April 1992, Mr. Husayn Ishraqi, an elderly Baha'i, was arrested at his home in Isfahan. He is reportedly still in prison. It was also reported that Mr. Nijatu'llah Bihin-Ain, who had been released from prison in January 1990, was again summoned in July 1992 by the authorities and condemned to five years' imprisonment. It was further reported that two Baha'i prisoners, Mr. Bakshu'llah Mithaqi and Mr. Kayvan Khalajabadi, who had been imprisoned without formal charges or trial since April 1989, were informed that they had been condemned to death by an Islamic revolutionary court. They have reportedly appealed their sentences to a higher Islamic court, but the outcome is still uncertain.

54. It was alleged that Baha'i-owned cemeteries, holy places, historical sites, administrative centres and other assets, seized mostly in 1979, remained confiscated or had been destroyed. Having access only to those cemeteries which the Government has designated for them, Baha'is in many localities experience difficulties in burying their dead. Baha'is are not permitted to mark the graves of their fellow Baha'is, making it almost impossible to identify the graves of their loved ones. The Special Representative was informed that graves

of Iranian Baha'is in the Baha'i cemetery of Tehran were being destroyed by order of the authorities and that the remains of human bodies were being loaded into trucks and removed to a destination unknown to the relatives. In this connection, the Special Representative addressed a letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva (for the text of the communication, see para. 5). Subsequent to his letter, the Special Representative was informed that the contractor hired to excavate the site had reportedly been instructed to work in three shifts in order to speed up progress on the project of construction of a cultural centre. The cemetery had been confiscated at the beginning of the Iranian Revolution, at which time the mortuary and memorial hall were demolished, the marble grave coverings were removed and all grave site markings obliterated. The headstones were subsequently sold at public auction.

55. It was also alleged that Baha'i property rights were generally disregarded. It was said that recently the properties of Baha'is of Sayran and Ilkhchi had been confiscated because of their membership in the Baha'i community. Between August and September 1992, Iranian Islamic revolutionary institutions issued, almost simultaneously, notices of the confiscation of a considerable number of properties belonging to individual Baha'is in Yazd, Tehran and Isfahan. It was reported that in Isfahan the home of a Baha'i of over 80 years of age was invaded in mid-September 1992 by several government officers who took away all his belongings. Around the same time, officers of the Attorney-General of Isfahan entered eight other Baha'i homes, taking away books, household items, radio and television sets, recorders, cameras and cash. The Baha'i owners have lodged complaints with the judicial authorities, but without any results so far.

56. It was further alleged that many Baha'is in the Islamic Republic of Iran continued to be deprived of the means of earning a living. More than 10,000 Baha'is had been dismissed from positions in government and education in the early 1980s because of their religious beliefs. A considerable number of them remained unemployed and received no unemployment benefits. The retirement pensions of Baha'is dismissed on religious grounds had been terminated. Some Baha'is dismissed from government posts had even been required to return salaries or pensions paid to them. It was also said that Baha'is were not officially allowed to open their own businesses. There had been incidents of harassment in the cities of Karaj and Aran in Kashan where Baha'is had been ordered to close their stores. Baha'i farmers were denied admittance to farmers' cooperatives, which were often the only source of credit, seeds, pesticide and fertilizer.

57. It was further reported that an entire generation of Baha'is had been denied higher education. For over 13 years Baha'i youths had been systematically barred from institutions of higher education. It was also alleged that Baha'is experienced difficulties in circulating Baha'i books among themselves.

58. With regard to their civil rights, it was alleged that Baha'is in the Islamic Republic of Iran continued to be deprived of protection under the law because of their religious beliefs. It was said that neither Baha'i marriages nor divorces were legally recognized in the Islamic Republic, and that the right of Baha'is to inherit was disregarded. Baha'is were not free to travel outside the country. With the exception of a few cases, it was almost impossible for

them to obtain passports and exit visas. It was also alleged that for the past 10 years the Baha'i community had been denied the right of assembly and the right to elect and maintain its administrative institutions. Those institutions constitute the core around which Baha'i community life revolves. Given that the Baha'i faith has no clergy, being deprived of its institutions threatens the very existence of the Baha'i community as a viable religious community.

## G. The situation of women

59. It was alleged that women needed their husband's permission to work or travel abroad. It was also alleged that women were not permitted to study engineering, agriculture, mining or metallurgy or to become magistrates. It was further alleged that women were excluded from a very large number of specific subjects at the university level. It was alleged that a woman's share of an inheritance was only half that of a man.

60. According to the newspaper Salam of 18 February 1993, many women in south-western Iran were beheaded by their male relatives in punishment for real or imagined sexual misconduct. In a report on a deadly honour code among Arab clans in Khuzestan province, Salam said the killers often went free because of legal loopholes and because they had full support from their clan, which took pride in the murder. It published a letter that quoted a court official as saying:

> "The tribesmen would sometimes kill a woman for just a smile, for liking a boy from another clan, even for throwing a glance at someone or sticking her head out of the house. Sometimes clan councils decide in cold blood to have a woman beheaded and the most zealous may present volunteers to do it."

The letter said that the whole clan united to shield the killer from punishment, by threats or offers of money to courts, police or relatives of the victim. Every year a large number of women and girls were beheaded and in almost all cases the coroner found no evidence of sexual misconduct, according to the letter.

61. According to the newspaper Ettela'at of 26 May 1993, Mrs. Shoja'i, counsellor on women's affairs to the Minister of the Interior, stated that while professional jobs for women had increased by 40 per cent, women's employment generally had been decreasing by 2 per cent annually.

62. It was reported that, on 20 and 21 June 1993, security agents set up several checkpoints and covert and undercover patrols in different cities, particularly in Tehran, arresting and imprisoning hundreds of women on the charge of improper veiling and non-Islamic attire, during a campaign for the promotion of virtue and prohibition of vice.

63. It was reported that, on 25 May 1993, Ms. Roya Ansari, aged 24, was hurt by acid being thrown in her face by agents of the Pasdaran, during a campaign against improper veiling in Isfahan. She has reportedly lost her eyesight.

64. According to Salam of 4 March 1993, members of a patrol to combat vice and social corruption occupied a girls' school in Tehran and divested the girls of their jewels and adornments. According to the newspaper Jomhuri Eslami of 24 June 1993, a number of inadequately covered women rounded up in a clamp-down on vice and un-Islamic dress in Tehran were sentenced to flogging. General Abdullah Oqbasi, chief of police of Tehran, stated that 802 men and women had been arrested over the previous two days and taken to the Anti-Vice Bureau. It was said that 80 per cent of those detained were under 20, people who had studied in post-revolutionary schools and grown up in the Islamic system. Residents said some men and women were detained for wearing dark glasses.

65. According to Ettela'at of 18 May 1993, it was not possible for a young unmarried woman to go on the pilgrimage of Imam Reza to Mashhad on her own, because the hotels did not rent rooms to young women. Travel-pilgrimage tours did not allow participation of unmarried women under 50 years of age.

66. It was reported that Ayatollah Khaz'ali, a member of the Council of Guardians, had stated:

> "Iranian youth have not shed their blood and been martyred so that you, women, can flaunt your hair and corrupt our youth. The Basijis now have the role of the judicial police and can warn women and if they do not take heed can directly arrest them."

## H. The situation of children

67. According to Salam of 27 May 1993, every year one million children remain illiterate owing to insufficient educational and teaching facilities.

68. The newspaper Jahan-e-Islam of 27 May 1993 reported that the principal of Doroshti elementary school in Karaj questioned an ill-disciplined student for unjustified absence and pulled off his finger nails as a physical punishment. Mr. Alizadeh, the student's father, stated:

> "After the nails of my child were pulled off, several members of the neighbourhood's Islamic Council, of the Evaluation Unit of Educational District 2 of Karaj and of the school's faculty came to my house and asked me not to complain to the authorities."

## I. Right to work

69. It was alleged that, on 30 January 1989, Mr. Ali Mohammadi Vavsari was arbitrarily deprived of his right to practise medicine by the General Department of Graduate Affairs of the Ministry of Health and Medical Education, through its letter No. E/5/M/337. Mr. Vavsari lodged a petition with Branch 16 of the Administrative Court of Justice, on the basis of which the Court, in its verdict No. 303 of 9 September 1992 (file classification 1608/16/68), ordered the nullification of the letter of the Ministry, which it considered legally unfounded. The Ministry demanded a rehearing. The Administrative Court then annulled its previous verdict, allegedly without an accurate study of the case and observation of the legal procedure, and without allowing Mr. Vavsari

effective defence. The rehearing took no more than a few minutes. In addition, it was alleged that the Ministry had ordered the destruction of Mr. Vavsari's university records.

70. It has been reported that foreign physicians working in the Islamic Republic of Iran under the Ministry of Health and Medical Education had not been given back their insurance premiums and severance benefits at the time of their final departure from the country, in violation of article 5 of the Social Welfare Law and article 24 of the Labour Law.

## J. Right of everyone to own property

71. It has been reported that people's rights have been disregarded as a result of the wide powers given to the officials in charge of the Qeshm Island Administrative Authority of the Free Trade Zone. It was alleged that private residential homes had been destroyed or occupied without any regard or recourse to the law, that possession had been taken of private and commercial property without regard to legal documents on ownership and that taxes had been collected without legal authorization.

72. It was reported that certain restrictions had been placed on foreigners in such areas as ownership rights and the right to form companies dealing with commerce, industry, agriculture or mining.

## K. The events of 25 May 1993

73. It was reported that, on 25 May 1993, two F4 fighter bombers and 10 Sukhoi planes raided the Ashraf base of the so-called National Liberation Army of Iran, 90 kilometres inside Iraqi territory. Another base in the city of Jalula in eastern Iraq was simultaneously attacked by two fighter bombers of the Iranian air force.

74. It was also reported that on 29 June 1993 the Secretary of the Supreme National Security Council, Mullah Hassan Rohani, declared in a statement:

> "Henceforth we will launch preemptive attacks against the People's Mojahedin Organization's bases inside Iraq and we will not wait to act in self-defence."

## L. The situation of the Kurdish and Naraoui people

75. It was reported that tensions between the Government of the Islamic Republic of Iran and Sunni Muslims belonging to the Naraoui tribe in the Baluchistan-Sistan region of south-east Iran had resulted in a number of armed clashes and the arrest and detention of scores of Naraouis. Many of those arrested were reported to be still detained without charge or trial at Zahedan prison. Others were reportedly sentenced to death or prison terms after allegedly unfair trials.

76. It was alleged that since the day of the Islamic Revolution, over 40,000 Iranian Kurdish civilians and approximately 5,000 cadres and militants of the Democratic Party of Iranian Kurdistan had lost their lives. It was said that hundreds of Kurdish villages had been totally destroyed or emptied of their inhabitants. It was reported that Iranian military forces had carried out indiscriminate shelling of villages along the border areas of Iraqi Kurdistan. On 13 March 1993, Iranian planes bombed the Kurdish Democratic Party of Iran headquarters in Iraqi Kurdistan, near Sulaimaniya, killing four persons and injuring a large number. In April 1993, Iranian forces were reportedly deployed in Haj Omran and Penjwin, several kilometres inside Iraqi territory, causing 500 Kurds to flee. On 4 August 1993, Ranieh and Ghaleh Dizeh villages in Iraqi Kurdistan, 20 kilometres inside Iraq, were bombarded during a campaign against the Kurdish people on both sides of the Iran-Iraq border.

77. It has been reported that recent Kurdish efforts to rebuild the area of Sulaimaniya, on the Iraqi side of the Iran-Iraq border, are under threat from the Iranian armed forces. It was alleged that the Government of the Islamic Republic of Iran had decided unilaterally to create a 15-mile empty zone on the Sulaimaniya-Iran border by driving Kurds out of the area and levelling houses and all other buildings.

## IV. CONSIDERATIONS

### A. Fulfilment of the renewed mandate

78. During the interval since the adoption of resolution 1993/62 of the Commission on Human Rights, the Special Representative has continued to receive information on what has been happening in the Islamic Republic of Iran involving violations of human rights and has communicated the most significant allegations to the Iranian Government for its reply and comment. The Special Representative also interviewed Iranian representatives and carried out his mandated activities along lines similar to those indicated in earlier reports.

79. The Government of the Islamic Republic of Iran has not yet replied to the first memorandum of the current year transmitted on 20 September 1993. The Special Representative has not received an official affirmative or negative reply to his request for permission to make a fourth visit to the country, and whether he makes that trip will therefore depend on the position of the Government. Accordingly, a critical element in the verification and observation process is missing, namely an on-site investigation, as regards both reports of incidents and allegations that indicate deviation from or infringement of international human rights instruments, and analyses of government explanations and disclaimers related to specific allegations. As in previous years, the Special Representative has had access to a variety of sources but paid particular attention to news reports in the Iranian mass media. From those sources he was able to assemble certain data which can be used to evaluate the status of compliance with international human rights standards in the Islamic Republic of Iran.

## B. The universality of human rights

80. The Special Representative conducted talks with the Iranian authorities regarding the question of the universality of human rights, during which he vehemently defended the concept of the universal applicability of United Nations instruments and underscored the inadmissibility of declarations or regional or national applications which were not logically coherent, as well as of legislation or regulations contrary to international standards and instruments in the field of human rights.

81. Inasmuch as these assertions were being discussed and questioned in the Islamic Republic of Iran and high-level officials tried to introduce interpretations and applications of the universal system which would have split it up along cultural lines, the Special Representative raised the matter in the Commission on Human Rights in the oral introduction to his final report of 1992. The Special Representative offered the following considerations, among others, in that oral introduction.

82. The United Nations human rights system is universal and constitutes the common denominator linking different cultures, geographic regions separated by great distances and long-established countries with newly emerged countries. Cultural differences are a very real factor in the perception of various international issues. However, the United Nations universal system of human rights is founded and rests on conditions shared by all human beings and applies to man, understood as a generic term, without distinction as to religious, ethnic, national, linguistic, economic or political characteristics. Powerful nations and poor nations alike can and must ensure and guarantee the exercise of civil and political rights on a continuing basis, without excuses or delays; the universal system encompasses provisions applicable even to crises or states of emergency. Underdevelopment, cultural factors or traditions do not detract from the validity of the standards negotiated and adopted by the United Nations.

83. Economic and social rights are achieved progressively, and the enjoyment of those rights is sometimes impeded by factors associated with a country's socio-economic structure, underdevelopment or economic cycles, a situation which good will alone cannot overcome. But that is no excuse for disregarding those rights. No matter the circumstances, and even in the most adverse situations, government programmes and policies indicate when and how the State is complying with its obligations. Subject to limitations in each case, it is possible, for example, to determine when and how programmes are being implemented, to improve the standard of living and preserve or restore social and economic equality in a society. Human rights are interdependent and there is no point in defending only civil and political rights while disregarding economic, social and cultural rights. Furthermore, economic and social rights are seriously distorted when civil and political rights are disregarded, and civil and political rights become a formality, mere words, when the conditions required for the exercise of economic and social rights are neglected.

84. In every State over the years there may be factors that either impede or facilitate full implementation of the universal system of civil and political rights. The implementation can be impeded by lack of information and educational programmes or by a general failure to appreciate the meaning, importance and benefits of respect for human rights. Particular attention

should be paid to the training of officials and employees responsible for complying with and ensuring compliance with human rights standards. Government agencies and non-governmental organizations try to resolve those problems by initiating effective programmes. To that end, it is highly desirable that human rights be included in education curricula beginning in the higher primary school grades, with more in-depth coverage of the subject at the secondary and higher levels. Training in human rights should also be provided to those responsible for the administration of justice, police officers, officials with decision-making powers and administrators in State security services and prison.

85. Human rights should not be considered to be a burden or an obstacle for States. On the contrary, they are one of the most important and characteristic features of contemporary society. They began as an aspect of domestic policy during the eighteenth century and moved into the international arena for their most significant enhancement in the middle of the twentieth century. This historical review shows that an international authority has complemented and reinforced domestic responsibility for human rights. The universal system of human rights is compatible with regional, national and cultural characteristics and with the historical background of every country. Furthermore, it encourages external assistance with regard to information and education and exercises a monitoring function by a critical evaluation of legislative and administrative State activities in the light of the instruments in force.

86. Human beings have many ways of manifesting their creativity and individuality, as reflected mainly through the diversification of cultures, regions and countries but they are still the same human beings whether in antiquity or in modern times and in every corner of the world. The United Nations system is based on those features and factors that unite people, not those that separate and differentiate them. The international system of human rights is an integral part of international solidarity, which calls for economic, legal and moral assistance to all societies, and runs parallel to solidarity within each society. Solidarity means sharing burdens and benefits on a proportional basis and regarding the activity and work of others with the sympathy one expects to be shown for one's own activity and work. Both domestically and internationally it is possible to survive, but not really live, without solidarity, but the rewards are meagre and markedly fragile.

87. The universal human rights system is flexible enough to adapt to specific circumstances but at the same time it is unbending in upholding its principles and standards and it is impervious to regional and national systems which are not strictly in accord with it. It is flexible with regard to circumstances and development goals, but it is rigid in demanding adherence to the principles and norms that are recognized by all States and therefore cannot be suspected of having been imposed from outside. It is also inflexible in requiring that all activities should be constantly and continually aimed at achieving its ultimate objectives without duplicity or hesitation, objectives common to all societies and all human beings. The regional development of human rights, when it is consistent with the universal system, can revitalize the implementation of human rights, because in the various regions it is possible to achieve advances that are not yet within reach in the universal system, such as, for example, monitoring by an international tribunal.

88. The Special Representative oriented his talks with Iranian officials along these lines as he has done in the observations, conclusions and recommendations he has presented in his reports. The Iranian position, expressed orally to the Special Representative during the Vienna World Conference on Human Rights proposes continuing the project of a bipartite study of specific situations, applying the terms of the Declaration and Programme of Action adopted in Vienna on 25 June 1993.

89. The final statement of one of the regional preparatory meetings for the World Conference did not contain the categorical and definitive reaffirmation of the universality of human rights, and qualified even universality in terms of culture and history. Throughout most of the World Conference, it was maintained that a reaffirmation of universality was arguable because universality could be qualified by cultural factors and historical circumstances; such a qualification would have been a backward step in the progress in the last 10 years.

90. The Special Rapporteurs and Special Representatives, independent experts and chairpersons or members of working groups of the Commission on Human Rights, authorized to deal with countries as well as specific issues, stressed the capital importance of the universality and indivisibility of human rights in the Joint Declaration they presented to the plenary of the Conference on 17 June 1993. 2/ In that document it was emphasized that the reaffirmation of universality was crucial if States were to fulfil the purposes and principles enshrined in the Charter of the United Nations. After heated debate the Conference adopted by consensus the text which reaffirmed the universality and indivisibility of the human rights recognized by the United Nations. 3/ The Islamic Republic of Iran participated in that consensus. When the United Nations adopted the Universal Declaration of Human Rights in 1948, it had 56 members. The World Conference adopted the Vienna Declaration and Programme of Action by consensus, thus completing its work and that consensus reflected the concerted will of over 150 States. The principle of universality had clearly been confirmed.

## C. Information on a possible consensus resolution

91. During conversations held on 2 September 1993, the Iranian delegation in Geneva announced its intention to hold talks with delegations that usually sponsor draft resolutions on the situation of human rights in the Islamic Republic of Iran in order to arrive at a consensus resolution. To that end, the Iranian delegation noted that in 1991, during the session of the Commission on Human Rights, a consensus resolution was produced (resolution 1991/82 of 7 March 1991) which raised the Islamic Republic of Iran's cooperation with the Commission on Human Rights through its Special Representative to an unprecedented level. The delegation added that assuming there was good will on the part of the parties concerned, an agreement might be reached which, without detriment to the mandate or the functions of the Special Representative, might enable him to overcome some of the difficulties he was encountering in the carrying out of his mandate.

D. Restriction of information concerning executions and the right to life

92. In September 1993, the Special Representative was informed that an analysis of his reports, entitled "International monitoring of the human rights situation in Iran and comparative examination of three reports by Galindo Pohl", had been prepared by Iranian Government officials. The Special Representative was able to obtain a copy in Farsi of that study, in which reference is made to the Iranian mass media as the Special Representative's primary source of information concerning executions. The translation of the relevant paragraph reads as follows:

> "Following previous negotiations, in order to prevent the negative effects of publication of reports on the executions and statements of the judicial authorities on the record of arrests and sentences determined for the convicts, publication of the above-said news was considerably reduced and one of the sources used by Galindo Pohl to provide documented and irrefutable reports was therefore neutralized."

93. Mentioned should be made of the restriction of information concerning executions in the Iranian mass media. The memorandum sent to the Government contains allusions to executions that took place in recent months, some of which are mentioned in Chapter III, section A, of this report. Some executions were reported in the Iranian press, and others were learned of through relatives and friends of the victims living abroad. There is reliable information on executions which has not been published in the Iranian press, in contrast to the situation in previous years, when it was sufficient to read the press regularly in order to learn about most executions. In addition, there has been no shortage of indirect reports, such as the letter from a group of neighbours complaining about executions taking place near their homes.

94. For several months, beginning in October 1992, no executions of drug traffickers were announced. However, the number of persons detained for this offence has been made public and, in view of the harsh laws against drug trafficking promulgated in 1989, which impose the death penalty on anyone found in possession of 30 grams of heroin or 5 kilograms of opium, it can be inferred that the number of executions has been relatively high. Moreover, of the 99,990 people in prison, according to official statements, some 52,000 are drug traffickers or addicts. A similar inference can be drawn from the official data concerning drug seizures in Iran during the previous year, which amounted to over 53 tons, a record haul since 1979. In January 1993 alone, 1,231 drug traffickers and 3,384 addicts were arrested in Tehran. From 16 to 20 June 1993, 882 drug traffickers and 8,615 addicts were arrested, and 2,238 kilograms of narcotics were seized.

95. On 3 February 1993, the Iranian press reported the execution, in the eastern part of the country, of 12 people charged with drug trafficking, theft and vandalism. On 25 August 1993, the press reported the hanging of four drug traffickers at Torbat-e-Heydariyeh. Those executed had been accused of importing and distributing 120 kilograms of opium and one kilogram of heroin in Khorasan province.

96. The severity with which all drug-related matters are treated is demonstrated in the statement made by the Head of the Judiciary on 12 February 1993: "in its campaign against drugs, the Islamic Republic of Iran is now doing the world a favour". For his part, the senior official in the war on drug traffic, General Ali Shafiei, said on 23 June 1993: "addicts who are arrested for the third time may be executed". However, despite the harshness of the laws and their strict implementation, the drug problem has not subsided.

97. The Special Representative received information relating to the execution of Mohsen Mohammadi Sabet and Hussein Mouloudi for political offences. Ahmad Ghofrani, Salim Saberniah, Seyed Mustafa Ghaderi and Feizollah Mekhoubad were also said to have been sentenced to death for alleged political crimes. At least four other people were executed for murder, at least two for adultery, and another four for breach of the peace.

## E. Assassinations and attempts on the lives of Iranians living abroad

98. The international press has highlighted the numerous and frequently fatal attacks on Iranian citizens living abroad who belong to various opposition political groups. Some foreign judicial bodies are investigating alleged Iranian intelligence agents. In the absence of conclusive data, the Special Representative has included in this analysis only those cases in which the participation of Iranian agents has been noted by competent judicial or administrative authorities, or by parliamentary bodies.

99. One of the most recent cases was that of Behran Azadfer, an Azerbaijani leader, who was assassinated in Ankara on 28 August 1993. This murder followed the abduction of another Iranian oppositionist, Mohammad Ghaderi, on 27 August 1993, in Kirşehir, Turkey. According to the reports received, Azadfer was murdered by a Farsi-speaking man. The corpse of Ghaderi, who was a member of the Kurdistan Democratic Party of Iran, was found on 6 September 1993, bearing the marks of severe torture. Moreover, in connection with the murder, also in Turkey, of a member of the People's Mojahedin, Ali Akbar Ghorbani, and of two Turkish writers, the Turkish Minister of the Interior, Mr. Ismet Sezgin, stated that the group which had attacked Ghorbani had been trained in Iran at a military camp located between Tehran and Qom; he concluded as follows: "it is clear that those who committed the murders had ties with Iran".

100. The murder of three leaders and a member of the Kurdistan Democratic Party of Iran, including its Secretary-General, Mr. Sadegh Sharafkandi, which occurred on 17 September 1992 in a Berlin restaurant, prompted a statement by the Karlsruhe court of investigation having jurisdiction over terrorist offences. On 27 May 1993, the court of investigation stated that four Lebanese and one Iranian had carried out a plan to assassinate the Kurdish leaders, who were attending a congress of the Socialist International. Since the end of 1992, the German press had been publishing reports which implicated the Iranian secret service (Vevak). The public trial of the accused was set for 28 October 1993 in Berlin.

101. In connection with the assassination of Mr. Kazem Rajavi, which took place at Coppet, Switzerland, on 24 April 1990, the Subcommission on Prevention of

Discrimination and Protection of Minorities, on 20 August 1993, requested the Iranian Government, to cooperate in the judicial investigation carried out by the examining magistrate of the Canton of Vaud. Thirteen individuals carrying Iranian service passports have been implicated in that assassination. In November 1992, the examining magistrate, Mr. Roland Chatelain, said that there has been no response to the letters of request he had sent to Iran, and that the Iranian Government had not acknowledged receiving them. The magistrate reiterated that the arrest warrants for the 13 suspects remained in force, and that he had the names and photographs of the perpetrators and the organizers of the assassination plot. On 10 February 1993, the prosecuting court of the Paris Court of Appeals authorized the French Government to extradite to Switzerland 2 of those 13 individuals who had been arrested in Paris in connection with the assassination. The extradition formalities between France and Switzerland are presumably now in progress.

102. With regard to the judicial investigation of the assassination of Mr. Shahpour Bakhtiar, the last Prime Minister of the monarchy, which took place in the outskirts of Paris, at Suresnes, on 6 August 1991, the examining magistrate in Paris identified Zeynal Sarhadi, Administrative Secretary of the Iranian Embassy in Bern, as the agent who had issued the orders for the assassination when he was in Istanbul, and as an accomplice in the escape of the assassins. Sarhadi, who is still in prison, was arrested in Bern and extradited to France in May 1992. In the course of the investigation an adviser at the Ministry of Telecommunications and a former Iranian television executive, who had arranged to secure visas so that assassination team could enter France, were implicated.

103. The examining magistrate, Mr. Jean-Louis Brugière, ordered the arrest of Nasser Ghasmi Nejad, a member of the Iranian secret service, who had apparently helped some members of the group of assassins, including Mohammad Azadi, to escape from Geneva to Iran. Another of the accused, Ali Rad Vakili, was arrested in Geneva and extradited to France. Zeynal Sarhadi, Ali Rad Vakili and Massoud Hendi are now in prison in France; seven other people are presumably under international arrest warrants and the names of two senior officials who masterminded the operation reportedly appear in the case file. The judicial investigation has revealed that about 50 people in a number of countries participated in various ways in planning and carrying out the assassination of Mr. Bakhtiar.

104. Recently Mr. Mohammad Hossein Naghdi, former chargé d'affaires of the Islamic Republic of Iran in Italy and representative in Italy of the Iranian National Resistance Council was assassinated in Rome. On 16 March 1993 Mr. Naghdi, while driving to his office, was hit by a burst of gunfire from a sniper travelling on the back seat of a motorcycle. Mr. Naghdi was on a list of 32 opposition figures living in exile in European countries who were threatened with physical annihilation. The list was confiscated from an Iranian citizen who participated in the assassination of Kurdish leaders in Berlin. Mr. Naghdi had received confidential information on the risk he ran. A few days before the attack, according to the statement by his wife, the Italian police had informed him that there was still a threat against his life. A statement by the Italian Minister of the Interior, Mr. Nicola Mancino, left little doubt about the source of that attack. On 5 August 1993, the Italian Senate unanimously adopted a motion calling on the Italian Government to take all necessary steps to identify

and bring to justice the planners and perpetrators of the Naghdi assassination. The Italian Senate also called for the greatest possible vigilance in monitoring Iranian human rights policy, support for extremist fundamentalist movements, weapons programmes, as well as Iran's attitude with respect to international terrorism. That vigilance was to be exercised both individually, by Italy, and in conjunction with its European allies, and should be aimed at stimulating appropriate international action. The motion also called on the Italian Government to strengthen measures for the security and protection of politically active foreign nationals residing in Italy, including opponents of the Iranian regime.

## F. Torture and other cruel, inhuman or degrading treatment or punishment

105. Despite the express prohibition in article 38 of the Constitution of the Islamic Republic of Iran and the provisions of article 7 of the International Covenant on Civil and Political Rights, reports have continued to assert that these practices are still fairly common. Stoning, amputation and flogging are forms of torture, but are listed among the applicable penalties and have reappeared in the recently promulgated Islamic Penalties Act. At least two cases of amputation inflicted on persons accused of theft have recently been reported.

106. There is still uncertainty about the treatment of prisoners, because there is no way of knowing about the conduct of the guards on duty. There are cases of decent behaviour and cases of irregular, abusive and sometimes cruel, inhuman or degrading treatment. In general, political prisoners are given very little consideration.

## G. Administration of justice

107. In the last few years some reforms have been introduced into the criminal justice system, in the following two areas: the right of appeal against decisions and sentences and the assistance of defence lawyers. Previous reports have indicated the inadequacy of the amendments introduced as far as the latter is concerned. Moreover, there is no information on cases brought before Islamic revolutionary courts in which the accused had access to defence counsel. On 25 April 1993, it was announced that the Council of Guardians had approved the new Islamic Penalties Act, which replaces the Penal Code of 1982. The Act has been in effect since 1991 on a provisional and experimental basis pending approval by the Guardians Council. However, the new Act has not brought any improvements in making the punishment fit the crime, nor has it made provision for the technical resources needed for an accurate definition of such offences. So the offences continue to be classified in very broad terms, including those punishable by death. It will therefore not be possible to bring the application of the death penalty into line with the requirement under international law that it should be reserved for "the most serious crimes". Forms of punishment which entail torture such as stoning, amputation and flogging have not been abolished. Even crucifixion still exists, although it has not been applied in the last 14 years. Among the offences whose vague definition allows the courts a wide measure of discretion are "propagation of corruption on earth" and "suppression

of the struggles of the Iranian people". There are also matters involving public policy, in which the court has wide discretion due to the vague definition of the category of offences involved.

108. The right to defence counsel is guaranteed by article 35 of the Iranian Constitution and confirmed by Precedent No. 71/62, Decision No. 15, of the Supreme Court of Justice, adopted in 1984. However, in practice, defence lawyers do not have access to the Islamic revolutionary courts. The case is cited of a lawyer who tried in vain to be admitted to a revolutionary court, and was arrested on those grounds. The Lawyers' Association, which was placed under Government control in 1982, is still being run by the administrative authorities. The election of its Board of Directors, scheduled for 9 October 1991, was postponed indefinitely.

109. The technical qualifications required for the exercise of judicial office are relatively elementary: students from the theological seminaries with little training in courts practice, as well as those without much more education but with practical experience of the courts may preside over and serve in the Islamic revolutionary courts and other tribunals. The trials before the revolutionary courts continue to be conducted in a very summary fashion, with no publicity, often inside the prisons and with evidence which may exonerate the defendants deemed inadmissible. None the less, the right to appeal is granted on a fairly regular basis, including appeals against sentences handed down by the revolutionary courts. Judges do not have security of tenure and may be arbitrarily dismissed, thus depriving them of a recognized and highly valued bulwark of their independence. Passing sentences without taking into account "Islamic considerations" or "the interest of society" constitute grounds for dismissal, which are not clearly defined.

## H. Arrests and prison situation

110. On 26 August 1993, the Director General of Prisons announced that in the Iranian year ending on 20 March 1993, the number of persons imprisoned had risen to 99,900. Of that number some 52,000 are being imprisoned for drug-related offences, 9,000 for robbery, 6,000 for financial offences, 5,000 for homicide, 4,000 for depravity and sexual offences, 2,000 for crossing frontiers illegally and 2,000 for assault. According to the same official source, prison conditions have deteriorated on account of two factors: shortage of staff and of space. Hence the project to build new prison establishments on the outskirts of the capital and another project to send drug traffickers and drug addicts to the Island of Forur in the Persian Gulf.

111. The Director General of Prisons made no mention of political prisoners in this list of the different categories of detainees. The number of prisoners in the different categories mentioned totals 80,000. It is reasonable to speculate that the remaining 19,900 which do not appear in any category are political prisoners.

## I. Freedom of opinion, expression and the situation of the press

112. The Special Representative learned of the existence in Iran since 1989 of a newspaper publishers organization, the Iran Press Cooperative, which has 251 members. The organization provides services to 19 dailies, 65 weekly newspapers and 151 monthly publications circulated in Iran. It offers professional, social, technical, educational and legal services to its members. It has assisted journalists in two court appearances and settled disputes through dialogue between newspaper publishers and journalists as well as with the government, municipal and other authorities.

113. The press has reported a number of incidents which are aimed at intimidating journalists and restricting their activities in the mass media. Some of those incidents will be briefly described below.

114. The Director of a scientific journal and three of his colleagues were arrested in Tehran in April 1992 for having published a caricature which was considered offensive to the memory of Imam Khomeini. Mr. Naser Arabha received a six-month prison sentence for having violated the Press Act. Mr. Karinzadeh was sentenced to one year's imprisonment and a fine of 500,000 rials. The editor of Abrar Mr. Ghafour Garshassbi, received a summons to appear in a Tehran court on 3 March 1993 for the publication of different articles that were considered scandalous, slanderous and offensive.

115. On 14 May 1993, a group of motorbikers broke into the offices of the magazine Kian. The No. 11 issue of the magazine included an interview with Mr. Mehdi Bazargan who was Prime Minister of the First Revolutionary Government. The assailants shouted "Death to Bazargan" and called for Kian and other magazines regarded as liberals to be shut down; meanwhile they broke windows, tables and chairs, according to the newspaper Kayhan of 15 May 1993.

116. The Director of Kayhan, the daily newspaper with the largest circulation, Mr. Mehdi Nassiri, received a summons to appear in a Tehran court on 28 August 1993, where he was interrogated and then released pending trial. The charge was that his newspaper had criticized the dismissal from office of three high-ranking judicial officials ordered in April 1993. It seems that Mr. Nassiri has been barred from leaving the country.

117. The weekly newspaper Avay-e Shomal was closed down for having published a photograph of a semi-nude actress in its issue of 29 December 1992, according to Kayhan of 18 January 1993. The Director of the daily newspaper Saham, Mr. Mohammad Mousani Khoeiniha, received a summons to appear in court following charges in connection with certain articles published in the last few months. Mr. Khoeiniha described the action as illegal and said it was connected with Saham's criticisms of the Government. Moreover, the editor-in-chief of Saham, Mr. Abbas Abdi, was arrested by order of the Revolutionary Court without being told what the charge was, according to a cable from Agence France Presse of 28 August 1993.

## J. The situation of the Baha'is

118. According to reliable information, five Baha'is have been arrested since 15 December 1992 on grounds of their religious belief. The names of those arrested are known, as well as where and when the arrests took place. The names of five Baha'is who have been in prison for longer or shorter periods of time are also known. The one held the longest was arrested on 17 October 1985 in the town of Karaj. The one in custody for the shortest time was arrested in Isfahan in July 1992. There is no record of specific charges against these five, except the fact that they are Baha'is.

119. The Special Representative was given access to documentation which proved that the following account of a specific case is true. On 25 January 1992, a criminal court heard the case of a woman who was killed and a man who was injured in a car accident caused by the negligence of another driver. The court decided that the injured man and the woman's heirs were not entitled to compensation "owing to the fact that both persons were Baha'is".

120. For three and a half years no executions of Baha'is have been recorded. On 18 March 1992 Mr. Bahman Samandari was executed in Evin prison, the day after his arrest, on charges of collaborating with foreign intelligence services. This extremely summary trial was characterized by the irregularities noted in other cases. On 31 August 1992 two Baha'is, Mr. Bakshu' llah Mithaqi and Mr. Kayvan Khalajabadi, who had been held without charge since April 1989, were informed that an Islamic revolutionary court had condemned them to death. The sentence is being appealed. The Special Representative was able to interview Mr. Khalajabadi during his latest visit to the country.

## K. The situation of women

121. During 1993 there has been news of various campaigns to ensure that Iranian women continued to wear their traditional dress. There have been reports of warnings, arrests, and punishments. Under current laws women who do not cover their hair properly or who wear too much make-up may be arrested and punished by fines, prison or flogging of up to 74 strokes. Generally the women arrested were given a warning and have signed a pledge not to repeat the offence when they appear in public or work in offices. There can be no objection to persons wearing clothing they have chosen freely, on the basis of their own convictions, but exception may legitimately be taken to imposing a punishment aimed at curbing freedom of choice simply because a woman does not wear traditional dress.

122. Under existing laws men and women receive different treatment with regard to marriage, divorce, inheritance, criminal penalties, residence, travel guardianship and other areas of life. As far as the professions are concerned, women are still excluded from some branches of engineering, veterinary medicine, agronomy, mining, metallurgy and the magistracy. A woman may be compensated for certain disadvantages in marriage by virtue of a special contract signed by both parties that may establish several important rights of the woman. A married woman needs her husband's consent to obtain a passport, to travel abroad or to work. The inheritance law contains provisions whereby a man inherits twice as much as a woman. Thus, a widower inherits a quarter of his wife's estate,

whereas a widow inherits only an eighth of her husband's. In the case of crime-victim compensation, indemnity for loss or blood money, a woman receives half as much as a man.

123. Under existing law the position of women is different from that of men in situations where they have the same capacities. This applies to the capacity to give evidence, for example; in some cases a woman's evidence is not considered valid and in others a man's evidence is equivalent to that of two women.

## V. GENERAL OBSERVATIONS

124. It may be inferred from the preceding chapter that there are sufficient grounds for urging the Government of the Islamic Republic of Iran to adopt prompt and effective measures to stop its intelligence agents from threatening or attempting to kill members of the Iranian opposition living abroad and, in addition to putting an end to those activities, to investigate the incidents that have been reported, to determine liability under the law and to cooperate with foreign Governments, at their request, in investigating and punishing such crimes.

125. The Special Representative considers it useful to point out that the lack of any precise definition of crimes makes for the excessive application of the death penalty and that the proper classification of crimes would provide a practical way of ensuring that the application of the death penalty was subject to the restrictions established in the International Covenant on Civil and Political Rights.

126. The Government of the Islamic Republic of Iran should also be urged to adopt measures for introducing practical amendments to its penal legislation and to give effect to the guarantees of due process of law in all its courts and tribunals, with particular reference to open trails and the availability of defence lawyers. Moreover, as a matter of priority, it should give some thought to amending its civil legislation in order to ensure that it fully recognizes that men and women are equal before the law. In matters of social tradition and cultural mores, it should take into account and rely on individual choice.

127. In connection with the situation affecting freedom of expression and of the press, the Government of the Islamic Republic of Iran should be urged to examine the problem of the elements of society that are intimidating the information media by attacking their premises and to adopt appropriate legal measures to protect the press and punish those who instigate and carry out attacks and assaults, thus eliminating violence as a means of intimidation.

128. In view of the fact that the International Committee of the Red Cross (ICRC) had to leave the Islamic Republic of Iran at the request of the Government in March 1992, and bearing in mind that there exists a fully valid agreement, concluded in 1991, between the ICRC and the Government, it is pertinent to urge the Government of the Islamic Republic of Iran to implement and apply the provisions of that agreement.

129. As regards cooperation by the Government of the Islamic Republic of Iran with the Commission on Human Rights through its Special Representative, it is

worth pointing out that it would be to the advantage of all those concerned enforcing observance of human rights in Iran if the Government resumed full cooperation with the Special Representative, primarily by allowing him to pay a fourth visit to the country.

130. The Special Representative considers that there is enough evidence to show that it is entirely proper for the human rights situation in the Islamic Republic of Iran to remain under international scrutiny.

Notes

1/ A/CONF.157/23.

2/ A/CONF.157/9.

3/ A/CONF.157/23, para. 5.

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